

1 PHILLIP A. TALBERT
United States Attorney
2 CAMERON L. DESMOND
DAVID SPENCER
3 Assistant United States Attorneys
501 I Street, Suite 10-100
4 Sacramento, CA 95814
Telephone: (916) 554-2700
5 Facsimile: (916) 554-2900

6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO. 2:19-CR-0231-WBS

12 Plaintiff,

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

13 v.
14 JOSE ENCARNACION MAYO RODRIGUEZ,
SYLVIA ZAMBRANO,
15 MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
16 JUAN RAMON LOPEZ,
NEREYDA ALVAREZ,
17 CHARLES JAMES BILLINGSLEY, JR.,

DATE: March 7, 2022
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

18 Defendants.

20
21 STIPULATION

22 1. By previous order, this matter was set for status on March 7, 2022.

23 2. By this stipulation, defendants now move to continue the status conference until June 6,
2022 at 9:00 a.m., and to exclude time between March 7, 2022, and June 6, 2022, under Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes over 4400 pages of documents, including investigative reports, photographs, cell phone
27 records, and other materials, as well as numerous audio and video recordings. All of this

28 ////

1 discovery has been either produced directly to counsel and/or made available for inspection and
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related
7 to the spread of COVID-19 occurred. Federal and state authorities have issued directives
8 designed to address the pandemic. These directives have hampered the ability of the defense to
9 conduct investigation as to potential defenses in this matter. Additional time is therefore required
10 for defense investigation into matters charged in the Indictment.

11 d) On or about August 16, 2021, defendant Juan Chavarria retained new counsel,
12 Clemente Jimenez, to represent him in this matter due to a potential conflict identified by
13 defendant Chavarria's existing counsel, Armando Villapudua. Mr. Jimenez filed a substitution
14 of counsel on August 17, 2021 (ECF No. 179).

15 e) Counsel for defendants desire additional time to conduct factual investigation and
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
17 consult with their clients, and to otherwise prepare for trial.

18 f) Counsel for defendants believe that failure to grant the above-requested
19 continuance would deny them the reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 g) The government does not object to the continuance.

22 h) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendant in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of March 7, 2022 to June 6, 2022,
27 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
28 because it results from a continuance granted by the Court at defendant's request on the basis of

1 the Court's finding that the ends of justice served by taking such action outweigh the best interest
2 of the public and the defendant in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
5 must commence.

6 IT IS SO STIPULATED.

7 Dated: March 2, 2022

PHILLIP A. TALBERT
United States Attorney

8 /s/ CAMERON L. DESMOND
9 CAMERON L. DESMOND
10 Assistant United States Attorney

11 Dated: March 2, 2022

12 /s/ Todd D. Leras
13 TODD D. LERAS
14 Law Office of Todd D. Leras
15 Attorney for defendant Jose Encarnacion
Mayo Rodriguez

16 Dated: March 2, 2022

17 /s/ Christopher R. Cosca
18 CHRISTOPHER R. COSCA
19 Christopher R. Cosca, Attorney-at-Law
Attorney for defendant Sylvia Zambrano

20 Dated: March 2, 2022

21 /s/ Dina Lee Santos
22 DINA LEE SANTOS
23 Law Offices of Dina L. Santos
24 Attorney for defendant Maria Luisa Escamilla-
Lopez

25 Dated: March 2, 2022

26 /s/ Clemente Jimenez
27 CLEMENTE JIMENEZ
28 Law Office of Clemente M. Jimenez
Attorney for defendant Juan Chavarria

1 Dated: March 2, 2022

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant Juan Ramon Lopez

4 Dated: March 2, 2022

/s/ David M. Garland
DAVID M. GARLAND
Law Office of David Garland
Attorney for defendant Nereyda Alvarez

7 Dated: March 2, 2022

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant Charles J. Billingsley, Jr.

12 **FINDINGS AND ORDER**

13 IT IS SO FOUND AND ORDERED.

14 Dated: March 2, 2022

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE